

EXHIBIT 1

From: [Joshua Koltun](#)
To: [Kelley, Jon David](#); [Karis, Hariklia](#); [Solper, Jelani](#); lucasgrunbaum@paulhastings.com; lukegrunbaum@gmail.com; [Nomellini, Mark J.](#); *navidhillon@paulhastings.com; navi-dhillon-0358@ecf.pacerpro.com; *petermeier@paulhastings.com; chrisaltamirano@paulhastings.com; [Ellis, Robert B.](#)
Subject: RE: Pacific Bell v Marine Taxonomic Services/California Sportfishing Protection Alliance v. Pacific Bell Telephone Company
Date: Sunday, October 19, 2025 10:53:32 AM
Attachments: [Stipulation re Briefing Deadlines -BTB-MTS v.2.docx](#)

This message is from an EXTERNAL SENDER

Be cautious, particularly with links and attachments.

Jon,

When we spoke on Friday afternoon, you professed ignorance as to why I had filed two Requests for Reconsideration and whether they were the same document. I now realize that may have been disingenuous. I fully explained the situation to you (as outlined in the stipulation) and stated that based on the procedural background, I believed that AT&T's deadline to respond was October 21. You did not express any disagreement with that, but only asked for an extension of that deadline.

If you had let me know that the parties had different contentions as to whether the Request was effectively filed on the 14th or the 16th of October, I would not have agreed to waive my contention that Response date was October 21, or granted a further week's extension, without obtaining a waiver of AT&T's contention that the Request was effectively filed on October 16th.

I did not become aware of the difference in contentions on this issue until presented with your proposed stipulation, to which I did not agree.

In light of the Clerk's characterizing the matter as a "docketing error" it had not occurred to me that anyone would contend that the effective filing date of the Request had changed. I think AT&T's contention is quite dubious.

You are of course correct that the Court will determine whether the motion is timely, as well as whether to change the briefing schedule. Our stipulation is only a request from the parties and an agreement to waive contentions/deadlines. It does not bind the Court.

I have modified the stipulation to reflect that AT&T is not stipulating to my representations concerning my conversations with the Deputy Clerk. The District Court of course is free to consult with the Deputy Clerk to determine whether my representations are accurate. I have made certain other modifications to the stipulation to address the concerns in your email.

Note that my "version 2" is a redline against the previous version of the stipulation that I sent you. I have rejected the changes you proposed. If I sent you a redline from your proposal it would not highlight the changes I have made to my previous proposal.

I should also note that I stated in our conversation that I expected that I would expect AT&T to simply cut and paste the arguments it had made before the Magistrate Judge. Aside from procedural issues on "appeal," (i.e. jurisdictional, standard of review) I do not believe that the parties have a right to raise on reconsideration arguments and authorities not raised before the Magistrate. This is particularly true where the party's arguments made below were accepted by the Magistrate Judge. BTB-MTS reserves its rights in the event that AT&T improperly seeks to raise new issues or authorities as to which BTB-MTS has had no chance to respond.

I do not intend to devote the rest of the weekend to arguing any further about this. You may file the stipulation with the changes I have proposed.

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From: Kelley, Jon David <jon.kelley@kirkland.com>

Sent: Saturday, October 18, 2025 8:36 PM

To: Joshua Koltun <joshua@koltunattorney.com>; Karis, Hariklia <hkarris@kirkland.com>; Solper, Jelani <jsolper@kirkland.com>; lucasgrunbaum@paulhastings.com; lukegrunbaum@gmail.com; Nomellini, Mark J. <mnomellini@kirkland.com>; *navidhillon@paulhastings.com <navidhillon@paulhastings.com>; navi-dhillon-0358@ecf.pacerpro.com; *petermeier@paulhastings.com <petermeier@paulhastings.com>; chrisaltamirano@paulhastings.com; Ellis, Robert B. <rellis@kirkland.com>

Subject: RE: Pacific Bell v Marine Taxonomic Services/California Sportfishing Protection Alliance v. Pacific Bell Telephone Company

Joshua,

The edits you provided include a variety of factual representations of which we have no independent knowledge (e.g., your conversation with the clerk, etc.). We cannot stipulate to the accuracy of facts of which we have no knowledge.

Likewise, whether "BTB-MTS is deemed to have timely filed its request for reconsideration" is

something only the Court can answer.

We have no problem with your edits that cite directly to the public record—and have accepted those in the attached—but we cannot agree to any subjective characterizations of various factual matters, like the reasons BTB/MTS filed where and when it did, the conversation between you and the clerk, or the timeliness of your filing.

As we discussed yesterday, the purpose of this stipulation is only to memorialize the fact that you agreed to provide Pac Bell with an extension through October 28 to respond to BTB/MTS's reconsideration brief. The attached updated draft and redline reflect exactly that. As I mentioned on our call, if BTB/MTS requires a reasonable extension of any future briefing deadlines, we would be glad to provide a similar courtesy.

Please let us know if we can file the attached with your permission.

Thanks,

Jon

Jon Kelley

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From: Joshua Koltun <joshua@koltunattorney.com>

Sent: Saturday, October 18, 2025 8:02 PM

To: Kelley, Jon David <jon.kelley@kirkland.com>; Karis, Hariklia <hkaris@kirkland.com>; Solper, Jelani <jsolper@kirkland.com>; lucasgrunbaum@paulhastings.com; lukegrunbaum@gmail.com; Nomellini, Mark J. <mnomellini@kirkland.com>; *navidhillon@paulhastings.com <navidhillon@paulhastings.com>; navi-dhillon-0358@ecf.pacerpro.com; *petermeier@paulhastings.com <petermeier@paulhastings.com>; chrisaltamirano@paulhastings.com; Ellis, Robert B. <rellis@kirkland.com>

Subject: RE: Pacific Bell v Marine Taxonomic Services/California Sportfishing Protection Alliance v. Pacific Bell Telephone Company

Jon,

In light of the full set of procedural circumstances, which you and I have discussed, and in light of your assurance that AT&T was willing to extend similar courtesies to BTB-MTS in exchange for the courtesy of an extension of time to respond, I have made edits to your proposed stipulation. You have my permission to file the stipulation with these changes.

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From: Kelley, Jon David <jon.kelley@kirkland.com>
Sent: Saturday, October 18, 2025 7:14 AM
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Subject: RE: Pacific Bell v Marine Taxonomic Services/California Sportfishing Protection Alliance v. Pacific Bell Telephone Company

Thanks, Joshua. I've updated the attached to include that the motion was originally filed on October 14. Please let us know if we have your consent to sign.

Jon

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From: Joshua Koltun <joshua@koltunattorney.com>
Sent: Friday, October 17, 2025 11:20 PM
To: Kelley, Jon David <jon.kelley@kirkland.com>; Karis, Hariklia <hkaris@kirkland.com>; Solper, Jelani <jsolper@kirkland.com>; lucasgrunbaum@paulhastings.com; lukegrunbaum@gmail.com; Nomellini, Mark J. <mnomellini@kirkland.com>; *navidhillon@paulhastings.com <navidhillon@paulhastings.com>; navi-dhillon-0358@ecf.pacerpro.com; *petermeier@paulhastings.com <petermeier@paulhastings.com>; chrisaltamirano@paulhastings.com; Ellis, Robert B. <rellis@kirkland.com>
Subject: RE: Pacific Bell v Marine Taxonomic Services/California Sportfishing Protection Alliance v. Pacific Bell Telephone Company

Jon,

As we discussed, the motion was filed on the 14th. The filing on the 16th was simply a docket correction per the Clerk's order. If you change the stipulation to reflect that, I would be willing to sign. This would not change the response date.

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From: Kelley, Jon David <jon.kelley@kirkland.com>

Sent: Friday, October 17, 2025 7:56 PM

To: Joshua Koltun <joshua@koltunattorney.com>; Karis, Hariklia <hkaris@kirkland.com>; Solper, Jelani <jsolper@kirkland.com>; lucasgrunbaum@paulhastings.com; lukegrunbaum@gmail.com; Nomellini, Mark J. <mnomellini@kirkland.com>; *navidhillon@paulhastings.com <navidhillon@paulhastings.com>; navi-dhillon-0358@ecf.pacerpro.com; *petermeier@paulhastings.com <petermeier@paulhastings.com>; chrisaltamirano@paulhastings.com; Ellis, Robert B. <rellis@kirkland.com>

Subject: RE: Pacific Bell v Marine Taxonomic Services/California Sportfishing Protection Alliance v. Pacific Bell Telephone Company

Joshua,

Thanks for the call earlier this afternoon, and for agreeing to give Pac Bell until October 28 to respond to BTB/MTS's motion for reconsideration.

As discussed, I've attached a draft stipulation and proposed order extending Pac Bell's deadline to that date.

Please let us know if we can sign with your permission, and we will get this on file.

Thanks,

Jon

Jon Kelley

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From: Kelley, Jon David
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Subject: RE: Pacific Bell v Marine Taxonomic Services/California Sportfishing Protection Alliance v. Pacific Bell Telephone Company

Hi Joshua,

I tried calling you earlier and left a voicemail. Please give me a call back before the end of today, if you're able.

Thanks,

Jon

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From: Joshua Koltun <joshua@koltunattorney.com>
Sent: Tuesday, October 14, 2025 9:10 PM
To: Karis, Hariklia <hkaris@kirkland.com>; Kelley, Jon David <jon.kelley@kirkland.com>; Solper, Jelani <jsolper@kirkland.com>; lucasgrunbaum@paulhastings.com; lukegrunbaum@gmail.com; Nomellini, Mark J. <mnomellini@kirkland.com>; *navidhillon@paulhastings.com <navidhillon@paulhastings.com>; navi-dhillon-0358@ecf.pacerpro.com; *petermeier@paulhastings.com <petermeier@paulhastings.com>; chrisaltamirano@paulhastings.com; Ellis, Robert B. <rellis@kirkland.com>
Subject: Pacific Bell v Marine Taxonomic Services/California Sportfishing Protection Alliance v. Pacific Bell Telephone Company

Dear counsel:

Please find attached the Request for Reconsideration, Memorandum of Points and Authorities, and Proposed Order that we are filing in this matter. Please let me know if you have any trouble accessing the documents.

Best regards,

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Attorneys for Defendant
PACIFIC BELL TELEPHONE COMPANY

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CALIFORNIA SPORTFISHING
PROTECTION ALLIANCE,

Plaintiff,

vs.

PACIFIC BELL TELEPHONE COMPANY,
Defendant.

CASE NO. 2:21-cv-00073-DAD-JDP

**STIPULATION CONCERNING
BRIEFING DEADLINES FOR
BTB/MTS'S MOTION FOR
RECONSIDERATION**

Judge: Hon. Dale A. Drozd
Courtroom: 9

Action Filed: January 14, 2021
Trial Date: None

1 Having met and conferred, Defendant Pacific Bell Telephone Company (“Pacific Bell”) and
 2 non-party witnesses Marine Taxonomic Services, Ltd., Below the Blue, Seth Jones, and Monique
 3 Rydel-Fortner (collectively “BTB/MTS”) (together, the “Parties,” and each a “Party”) hereby
 4 stipulate and agree as follows:

5
 6 **WHEREAS**, on October 14, 2025, BTB/MTS filed and served their “Request for
 7 Reconsideration by the District Court of Magistrate Judge’s Ruling” (the “Request for
 8 Reconsideration”) in the related Case No. 2:24-cv-00022-KJM-JDP (MTS/Dkt. 35).¹ [BTB-MTS](#)
 9 [stated in the Memorandum in Support of the Request that it did so](#) on the understanding that
 10 District Judge Kimberly J. Mueller had assumed a supervisory role as District Court Judge, and
 11 that filing in that docket was the correct procedure to ensure that the request would be docketed
 12 before the relevant District Court Judge (see MTS/Dkt 27, 30, 36 at 4-6 & n.5); and

13
 14 **WHEREAS**, [Joshua Koltun, counsel for BTB-MTS, has represented to counsel for Pacific](#)
 15 [Bell as follows. On October 16, at 2:39 pm,](#) the Deputy Clerk of the Court (“KEZ”) ~~on October~~
 16 ~~16 contacted Joshua Koltun, counsel for BTB-MTS,~~ [called him and](#) and indicated that BTB-MTS
 17 should refile the Request for Reconsideration in Case No. 2:21-cv-00073-JDP. Koltun expressed
 18 the concern that BTB-MTS needed to docket the request before a District Court Judge (at the time
 19 the docket in this matter did not list a supervisory District Court Judge). The Deputy Clerk assured
 20 Koltun that the Court had an alternative means of ensuring that the Request for Reconsideration be
 21 docketed before a District Court Judge; and

22
 23 **WHEREAS**, the Deputy Clerk then [\(at 2:51 pm on October 16\)](#) issued a “CLERK'S
 24 NOTICE of DOCKET CORRECTION” MTS Dkt 38 ordering that the Request for

25
 26
 27
 28 ¹ In this Stipulation, the, entries on that docket will be referred to as “MTS/DE__,” and docket
 entries in Case No. 2:24-cv-00022-KJM-JDP as “BTB/DE__.” The Request for Reconsideration
 was served on all of Pacific Bell’s counsel listed on both dockets.

1 Reconsideration, Memorandum, and Proposed Order (MTS/Dkt 35, 36, 37) be refiled in the correct
2 case number, 2:21-cv-0073-JDP; and.

3 **WHEREAS**, BTB-MTS ~~promptly~~ shortly thereafter refiled the documents as directed, see
4 BTB/Dkt 179, 180, 181; and,

5 **WHEREAS**, on October 17, the Courtroom Deputy to Magistrate Judge Jeremy D.
6 Peterson issued an order that, in light of the Request for Reconsideration, “the Clerk of the Court
7 is directed to randomly assign a United States District Judge to this case (BTB/Dkt 182); and

8 **WHEREAS**, shortly thereafter the case was assigned to the District Judge Dale A. Drozd
9 (BTB/Dkt 183);

10 **WHEREAS**, in light of the foregoing procedural background, and pursuant to Local Rule
11 303(d) of the United States District Court for the Eastern District of California, Pacific Bell’s
12 response to the Request for Reconsideration is due seven (7) days after the filing of the Request;

13 **WHEREAS**, counsel for Pacific Bell and counsel for BTB/MTS have conferred and agreed
14 to resolve their respective contentions concerning deadlines that might arise under the foregoing
15 circumstances, and

16 **WHEREAS** counsel for BTB-MTS is also willing as a professional courtesy to agree to a
17 to a short extension of Pacific Bell’s response deadline;

18 **NOW, THEREFORE**, the Parties respectfully and jointly request that the Court enter an
19 order as follows:

20 1. BTB-MTS is deemed to have timely filed its Request for Reconsideration;

21 2. Pacific Bell’s deadline to file its response to the Motion for Reconsideration is extended
22 to **October 28, 2025**.

Neither Party has requested any prior extensions regarding this matter, and thus the extensions requested will not unduly delay these proceedings. A stipulated order follows the Parties' signature blocks.

DATED: October 20, 2025

Respectfully submitted,

/s/ Hariklia Karis

HARIKLIA KARIS (*admitted pro hac vice*)

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ROBERT B. ELLIS (*admitted pro hac vice*)

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PACIFIC BELL TELEPHONE COMPANY

/s/

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Attorney for Nonparty Witnesses

MARINE TAXONOMIC SERVICES, LTD,

BELOW THE BLUE, SETH JONES, AND

MONIQUE RYDEL-FORTNER

1 The filer of this document attests that all signatories listed above have concurred in the
2 filing of this document.
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[PROPOSED] ORDER

In light of the stipulation between Pacific Bell Telephone Company (“Pacific Bell”) and non-party witnesses Marine Taxonomic Services, Ltd., Below the Blue, Seth Jones, and Monique Rydel-Fortner (collectively “BTB/MTS”) (together, the “Parties”) and good cause appearing, the Court hereby GRANTS the Parties’ request as follows:

1. BTB-MTS is deemed to have timely filed its Request for Reconsideration (Dkt 179);
2. Pacific Bell’s deadline to file its response to the Request ~~Motion~~ for Reconsideration is extended to **October 28, 2025**

IT IS SO ORDERED.

DATED: _____, 2025

DALE A. DROZD
UNITED STATES DISTRICT JUDGE